

Untouchables or The Children of India's Ghetto

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PART IV

What the Untouchables have to face

CHAPTER 12

ANTAGONISM OF THE ADMINISTRATION

Section 2 of the Indian Penal Code reads as follows: " Every person shall be liable to punishment under this Code and not otherwise for every act or omission contrary to the provisions thereof, of which he shall be guilty within British India." The Law Commissioners who prepared the draft Penal Code in their address to the Secretary of State thought it necessary to draw pointed attention to the words ' Every Person '. In the course of their observation, they said:

" Your Lordship in Council will see that we have not proposed to except from the operation of this Code any of the ancient sovereign houses of India residing within the Company's territories. Whether any such exception ought to be made is a question which, without a more accurate knowledge that we possess of existing treaties, of the sense in which those treaties have been understood, of the history of negotiations, of the temper and of the power of particular families, and of the feeling of the body of the people towards those families, we could not venture to decide. We will only beg permission most respectfully to observe that every such exception is an evil; that is an evil that any man should be above the law; that it is still greater evil that the public should be taught to regard as a high and enviable distinction the privilege of being above the law; that the longer such privileges are suffered to last, the more difficult it is to take them away; that there can scarcely even be a fairer opportunity for taking them away than at the time when the Government promulgates a new Code binding alike on persons of different races and religions; and that we greatly doubt whether any

consideration, except that of public faith solemnly pledged, deserves to be weighed against the advantages of equal justice."

It might have been thought that this principle of equal justice would strike a death blow to the Established Order. As a matter of fact, far from suffering any damage the Established Order has continued to operate in spite of it. It might be asked why the principle of equal justice has failed to have its effect. The answer to this is simple. To enunciate the principle of justice is one thing. To make it effective is another thing. Whether the principle of equal justice is effective or not must necessarily depend upon the nature and character of the civil services who must be left to administer the principle. If the civil service is by reason of its class bias the friend of the Established Order and the enemy of the new Order, the new Order can never come into being. That a civil service in tune with the new order was essential for the success of the new order was recognised by Karl Marx in 1871 in the formation of the Paris Commune and adopted by Lenin in the constitution of Soviet Communism. Unfortunately, the British Government never cared about the personnel of the Civil Service. Indeed it opened the gates of the administration to those classes who believed in the old Established Order of the Hindus in which the principle of equality had no place. As a result of this fact, India has been ruled by the British but administered by the Hindus. A few statistics of the composition of the Civil Service will fully demonstrate this fact.

From the capital of India down to the village the whole administration is rigged by the Hindus. The Hindus are like the omnipotent almighty pervading all over the administration in all its branches having its authority in all its nooks and corners. There is no loophole for anyone opposed to the old order to escape. No matter what the Department, whether it is Revenue, Police or Justice it is manned by the Hindu. If the Established Order has continued to exist, it is because of the unflinching support it received from the Hindu officials of the State. The Hindu officials are not merely administering the affairs on their merit. They are administering them with an eye to the parties. Their principle is not equal justice to all. Their motto is justice consistent with the Established Order. This is inevitable. For they carry over into administration the attitude towards different classes in society under the Established Order. This is well illustrated by the attitude of the State officials towards the Untouchables in the field of administration.

As every Untouchable will be able to testify, if an Untouchable goes to a police officer with a complaint against the caste Hindu, instead of receiving any protection he will receive plenty of abuses. Either he will be driven away without his complaint being recorded or if it is recorded, it would be recorded quite falsely to provide a way of escape to the Touchable aggressors. If he prosecutes his offenders before a Magistrate the fate of his proceedings could be foretold. The

Untouchables will never be able to get Hindus as witnesses because of the conspiracy of the villagers not to support the case of the Untouchables, however just it may be. If he brings witnesses from the Untouchables, the Magistrate will not accept their testimony because he can easily say that they are interested and not independent witnesses or, if they are independent witnesses the Magistrate has an easy way of acquitting the accused by simply saying that the Untouchables compliment did not strike him as a truthful witness. He can do this fearlessly knowing full well that the higher tribunal will not reverse his finding because of the well-established rule which says that an appellate court should not disturb the finding of the trial Magistrate based upon the testimony of witness whose demeanour he had no opportunity to observe:

That such a discrimination is practised has now been admitted even by Congressmen. The annual Report of the Tamil Nad Harijan Sevak Sangh for the year ending September 30, 1937 says*:

"The political consciousness of the Harijans having been roused by the rights in the remotest villages where it is only the policeman that reign, it is not always possible for the Harijan to do this, for the assertion of his rights means a clash between him and the castemen, in which it is always the latter that have the upper hand. The natural consequences of this scuffle is a complaint either to the police or the Magistrate. The latter course is beyond the means of a Harijan while the former resort is worse than useless. The complaints are in many cases not inquired into at all, while in others a verdict favourable to the castemen is entered. Our complaints to the Police also meet with similar fate. The trouble seems to us to be that there is no change in the mentality of the lower policeman. Either he is unaware of the rights of the Harijans of which he is supposed to be the guardian or he is influenced by caste men. Or, it may also be that he is absolutely indifferent. In other cases, corruption is responsible for his taking the side of the richer caste men." This shows how the Hindu official is anti-Untouchable and pro-Hindu. Whenever he has any authority or discretion, it is always exercised to the prejudice of the Untouchables.

The police and the Magistrate are sometimes corrupt. If they were only corrupt, things would not perhaps be so bad because an officer who is corrupt is open to purchase by either party. But the misfortune is that the Police and Magistrates are often more partial than corrupt. It is this partiality to the Hindus and his antipathy to the Untouchables which results in the denial of protection and justice to the Untouchables. There is no cure for this partiality to the one and antipathy to the other, because it is founded in the social and religious repugnance, which is inborn in every Hindu. The Police and the Magistrates by reason of their motives, interest and their breeding, do not sympathise with the living force operating among the Untouchables. They are not charged with the wants, the

pains, the cravings and the desires, which actuate the Untouchables. Consequently, they are openly hostile and inimical to their aspirations, do not help them to advance, disfavour their cause and snap at everything that smacks of pride and self-respect. On the other hand, they share the feelings of the Hindus, sympathise with them in the attempt to maintain their power, authority, prestige and their dignity over the Untouchables. In any conflict between the two, they act as the agents of the Hindus in suppressing this revolt of the Untouchables and participate quite openly and shamefacedly in the nefarious attempt of all Hindus to do every thing possible by all means, fair or foul, to teach the Untouchables a lesson and hold them down in their own places.

The worst of it is that all this injustice and persecution can be perpetrated within the limits of the law. A Hindu may well say that he will not employ an Untouchable, that he will not sell him anything, that he will evict him from his land, that he will not allow him to take his cattle across his field without offending the law in the slightest degree. In doing so, he is only expressing his right. The law does not care with what motive he does it. The law does not see what injury it causes to the Untouchable. The police may misuse his power and his authority. He may deliberately falsify the record by taking down something, which has not been stated or by taking down some thing which is quite different from what has been stated. He may disclose evidence to the side in which he is interested. He may refuse to arrest. He may do a hundred and one things to spoil the case. All this he can do without the slightest fear of being caught. The loopholes of law are many, and he knows them well. The Magistrate has vested in him an enormous amount of discretion. He is free to use it. The decision of a case depends upon the witnesses who can give evidence. But the decision of the case depends upon whether the witnesses are reliable or not. It is open to the Magistrate to believe one side and disbelieve the other side. He may be quite arbitrary in believing one side, but it is his discretion, and no one can interfere with it. There are innumerable cases in which this discretion has been exercised by the Magistrates to the prejudice of the Untouchables. However truthful the witnesses of the Untouchables the Magistrates take a common line by saying I disbelieve the witnesses ', and nobody has questioned that discretion. What sentence to inflict is also a matter of discretion with the Magistrate. There are sentences, which are non appealable. An appeal is a way of getting redress. But this way may be blocked by a Magistrate by refusing to give an appealable sentence.

If the Hindu society plays its part in maintaining the Established Order, so does the Hindu officials of the State. The two have made the Established Order impregnable.

CHAPTER 13

PROBLEM OF DISCRIMINATION

To the Untouchables the problem of discrimination in order of seriousness is only next to the problem of recovering their manhood. The discrimination against the Untouchables is practised by the Hindus on a scale, the extent of which it is impossible for an outsider to imagine. There is no field of life in which the Untouchables and the Hindus come into competition and in which the former is not subjected to discrimination. It is also of the most virulent type.

In the matter of social relationship, it takes the form of barriers against dancing, bathing, eating, drinking, wrestling, worshipping. It puts a ban on all common cycles of participation.

In the use of public facilities, the spirit of discrimination manifests itself in the exclusion of Untouchables from schools, wells, temples and means of conveyance. Public administration is most deeply drenched by the spirit of discrimination against the Untouchables. It has affected Law Courts, Government Departments, Co-operative Banks, and particularly the Police. Discrimination against Untouchables in the matter of securing land, credit, jobs exist in the most rampant form. It is in service that discrimination shows itself most strongly. Though there are no regulations, there are well-recognised rules, which govern the entry and promotion of the Untouchables in the matter of service. Most often an Untouchable will not get an entry. Whole departments are closed to them. The weaving side of the Textile Mills the whole of Army is closed to the Untouchables. If did, there is a well-set limit beyond which the Untouchable may not rise, no matter what his efficiency or length of service. The principle in general is maintained that the Untouchables shall not be placed in administrative authority over the Hindus. The consequence is that unless some entire branch of service is turned over the Untouchables, there are very few posts of consequence, which the Untouchables are allowed to fill. To put it concretely, the only field of service in which there is no discrimination against the Untouchables is scavenging. There is no need for discrimination in this field because the whole of it is made over to the Untouchables and there is no competition from the Hindus. Even here discrimination steps in the matter of higher posts. All unclean work is done by the Untouchables. But all supervisory posts which carry higher salary and which do not involve contact with filth are all filled by Hindus. In this situation rights of citizenship cannot mean the rights of the Untouchables. Government of the people and for the people cannot mean Government for the Untouchables; equal opportunity for all cannot mean equal opportunity for the Untouchables; equal rights for all cannot mean equal rights for the Untouchables. All over the country in every nook and corner the Untouchable faces handicaps, suffers discriminations, is meted injustices to the Untouchables, the most unprivileged

people in India. The extent to which this is true is known only to the Untouchables who labour under the disadvantages. This discrimination is the strongest barrier against the Untouchables. It prevents them from rising out of it. It has made the life of the Untouchables one of the constant fears of one thing or another, of unemployment, assault, persecution, etc. It is a life of insecurity.

There is another form of discrimination, which though subtle is nonetheless real. Under it a systematic attempt will be made to lower the dignity and status of a meritorious Untouchable. A Hindu leader would be described merely as a great Indian leader. No one would describe him as the leader of Kashmiri Brahmin even though he be one. If a leader who happens to be an Untouchable is to be referred to he will be described as so and so, the leader of the Untouchables. A Hindu doctor would be described as a great Indian doctor. No one would describe him as a lyengar even though he be one. If a doctor happens to be an Untouchable doctor, he would be referred to as so and so, the Untouchable doctor. A Hindu singer would be described as a great Indian singer. If the same person happens to be an Untouchable he would be described as an Untouchable singer. A Hindu wrestler would be described as a great Indian Gymnast. If he happens to be an Untouchable he would be described as an Untouchable gymnast.

This type of discrimination has its origin in the Hindu view that the Untouchables are an inferior people and however qualified, their great men are only great among the Untouchables. They can never be greater nor even equal to the great men among the Hindus. This type of discrimination, though social in character, is no less galling than economic discrimination.

Discrimination is merely another name for absence of freedom. For as Mr. Tawney says¹: "There is no such thing as freedom in the market, divorced from the realities of a specific time and place. Whatever else it may or may not imply, it involves the power of choice between alternatives a choice which is real, not merely nominal, between alternatives which exist in fact, not only on paper. It means, in short, the ability to do or refrain from doing definite things, at a definite moment, in definite circumstances, or it means nothing at all. Because a man is most a man when he thinks, wills and acts, freedom deserves the outline things, which poets have said about it; but, as a part of the prose of every day life, it is quite practical and realistic. Every individual possesses certain requirements ranging from the material necessities of existence to the need to express himself in speech and writing, to share in the conduct of affairs of common interests, and to worship God in his own way or to refrain from worshipping him the satisfaction of which it is necessary to his welfare. Reduced to its barest essential, his freedom consists in the opportunity secured by him, within the limits set by nature

and the enjoyment of similar opportunities by his fellows, to take the action needed to order to ensure that these requirements are satisfied."

It is not my intention to add yet another catalogue of essential rights to the liberties of such lists, which already exist; but these are two observations, which apply to all of them. In the first place, if the rights are to be an effective guarantee of freedom, they must not be merely formed, like the right of all who can afford it to dine at the Ritz. They must be such that, whenever the occasion arises to exercise them, they can in fact be exercised. The rights to vote and to combine, if not wholly valueless, are obviously attenuated, when the use of the former means eviction and of the latter the sack; the right to the free choice of an occupation, if the expenses of entering a profession are prohibitive; the right to justice, if no poor man can pay for it; the right to life, liberty, and the pursuit of happiness, if the environment is such as to ensure that a considerable proportion of those born will die within twelve months, and that the happiness investments of the remainder are a gambling stock. In the second place, the rights which are essential to freedom must be such as to secure the liberties of all, not merely of a minority. Some sage has remarked that marriage would not be regarded as a national institution if, while 5 per cent of the population were polygamous, the majority passed their lives unsolved and unencumbered by husbands or wives. The same is true of freedom. Society in which some groups can do much what they please, while others can do little of what they ought, may have virtues of its own; but freedom is not one of them. It is free in so far, and only in so far, as all the elements composing it are able in fact, and not merely in theory, to make the most of their powers, to grow to their full stature, to do what they conceive to be their duty, and since liberty should not be too austere to have their fling when they feel like it. In so far as the opportunity to lead a life worthy of human beings is restricted to a minority, what is commonly described, as freedom would more properly be called privilege.

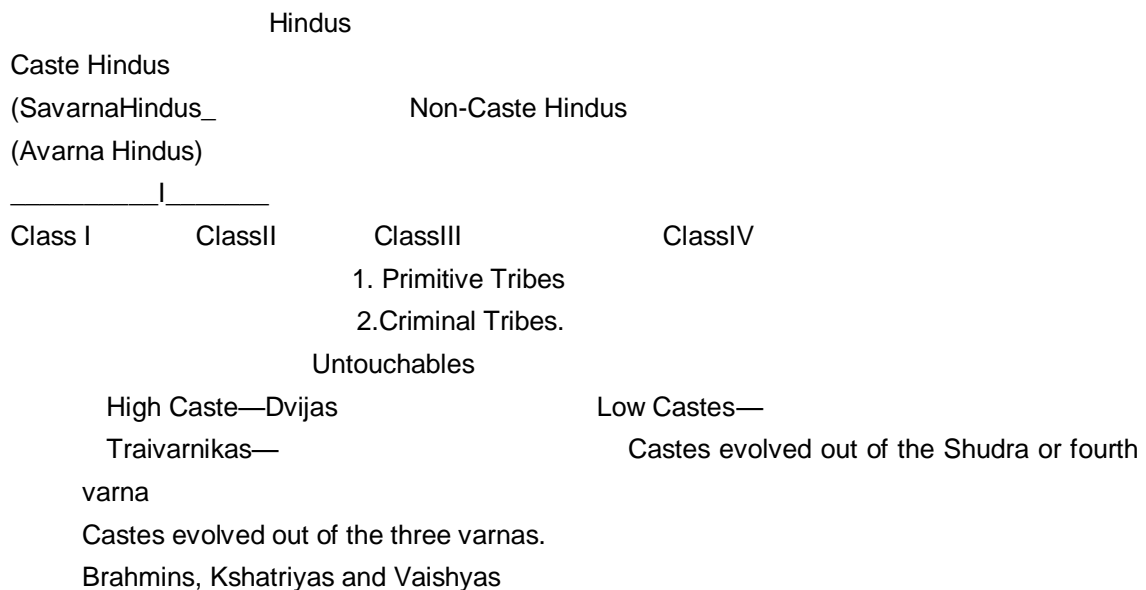
The discriminations against the Untouchables are merely the reflections of that deep and strong Hindu sentiment which is carried over in law and administration which justifies the making of distinctions between Hindus and Untouchables to the disadvantage of the Untouchables. Those discriminations have their roots in fear of the Hindus that in a free field, the Untouchables may rise above the prescribed station in life and become a menace to the Hindu Social Order the cardinal principle of which is the maintenance of Hindu superiority and Hindu domination over the Untouchables. So long as the Hindu Social Order lasts, discriminations against the Untouchables continue to exist.

CHAPTER 14

PROBLEM OF ISOLATION

Why has the movement of the Untouchables not succeeded? Have they no allies? If there are allies why do they not help and co-operate with the Untouchables? This is a very pertinent question and it is necessary that it should be properly understood. For answering this question, it is essential to have a very clear idea of the Hindu social organisation and the classes of which it is composed.

The structure of Hindu society is a very complicated one and it would be difficult for one, whose life has not been woven into it, to know the pattern. Perhaps, a diagrammatic presentation may be helpful. I give below one which, in my judgement, facilitate the understanding of the social structure of the Hindus:



The diagram shows that although there are innumerable castes among the Hindus, they can all be grouped under four classes. Of these four, Class I forms the *Herenfolk* or the Ruling Class, Classes III and IV form the subject people.

Let us now consider which of these classes can be the natural ally of the Untouchables.

Those in Class I form the privileged classes of the Hindu society. The Hindu social order was created by them. They alone benefit by it while the aim of these in Class I is to save it. Neither by community of interest nor by reason of ideological affinity can the two friends and allies disagree.

What about the Criminal and Primitive Tribes ? They have the strongest ground for over-throwing the Hindu Social Order. What about the Shudras?

The laws of the Hindu Social Order are as repulsive to Class II, the Shudras as they are to Class IV, the Untouchables. It is interesting to know the status of the Shudras in the Hindu society as prescribed by Manu the Law-giver and the Architect of Hindu society. For an easy understanding of the subject, the rules regarding the status of the Shudras are set out below under separate heads:

Manu asks the householders of the Brahmans, Kshatriyas and Vaishyas:

IV. 61 "Let him not dwell in a country where the rulers are Shudras."

A Shudra is not to be deemed to be a respectable person. For Manu enacts that:

XI. 24. "A Brahmin shall never beg from a Shudra, property for (performing) a sacrifice i.e., for religious purposes." All marriages with the Shudra were proscribed. Marriage with a woman belonging to any of three other classes was forbidden. A Shudra was not to have a connection with a woman of the higher classes and an act of adultery committed by a Shudra with her was considered by Manu to be an offence involving capital punishment.

VIII. 374. "A Shudra who has an intercourse with a woman of the higher caste guarded or unguarded shall be punished in the following manner; if she was unguarded, he loses the offending part; if she was guarded then he should be put to death and his property confiscated."

VIII. 20. A Brahmana who is only a Brahman by decent i.e., one who has neither studied nor performed any other act required by the Vedas may, at the king's pleasure, interpret the law to him i.e., act as the judge, but never a Shudra (however learned he may be). VIII. 21. The Kingdom of that monarch, who looks on while a Shudra settles the law, will sink low like a cow in the morass. VIII. 272. If a Shudra arrogantly presumes to preach religion to Brahmans, the king shall have poured burning oil in his mouth and ears.

In the matter of acquiring learning and knowledge Manu ordains as follows:

III. 156. He who instructs Shudra pupils and he whose teacher is a Shudra shall become disqualified for being invited to a Shradha.

IV. 99. He must never read the Vedas in the presence of the Shudras.

Manu's successors went much beyond him in the cruelty of their punishment of the Shudra for studying the Veda. For instance, Katyayana lays down that if a Shudra overheard the Veda or ventured to utter a word of the Veda, the King shall cut his tongue in twain and pour hot molten lead in his ears. As to property by the Shudra, Manu enjoins as follows:

X. 129. No superfluous collection of wealth must be made by a Shudra, even though he has power to make it, since a servile man, who has amassed riches, becomes proud, and, by his insolence or neglect, gives pain to Brahmans.

VIII. 417. A Brahman may seize without hesitation, if he be in distress for his subsistence, the goods of his Shudra. The Shudra can have only one occupation. This is one of the inexorable laws of Manu. Says Manu:

1. 91. One occupation only, the Lord prescribed to the Shudra, to serve meekly these other three castes (namely Brahmin, Kshatriya and Vaishya).

X. 121. If a Shudra, (unable to subsist by serving Brahmana), seeks a livelihood, he may also seek to maintain himself by attending on a wealthy Vaishya.

X. 122. But let a (Shudra) serve Brahmans, either for the sake of heaven, or with a view to both (this life and the next) for he who is called the servant of a Brahman thereby gains all his ends.

X. 123. The service of Brahmans alone is declared (to be) an excellent occupation for a Shudra for whatever else besides this he may perform will bear him no fruit.

Service by Shudra is not left by Manu to be regulated as a free contract. If the Shudra refused to serve, there is a provision for conscription which runs as follows:

VIII. 413. A Brahmana may compel a Shudra, whether bought or unbought, to do servile work for he is created by the creator to be the slave of a Brahmana.

X. 124. They must allot to him out of their own family (property) a suitable maintenance, after considering his ability, his industry, and the number of those whom he is bound to support.

X. 125. The remnants of their food must be given to him as well as their old household furniture.

A Shudra is required by Manu to be servile in his speech and manner towards the other classes.

VIII. 270. A Shudra who insults a twice born man with gross invectives shall have his tongue cut out; for he is of low origin.

VIII. 271. If he mentions the names and castes of the (twice born) with contumely, an iron nail, ten fingers long, shall be thrust red hot into his mouth.

Manu is not satisfied with this. He wants this servile status of the Shudra to be expressed in the names and surnames of persons belonging to that community. Manu says:

II. 31. Let the first part of a Brahman's name denote something auspicious, a Kshatriya's be connected with power, and a Vaishya's with wealth but a Shudra's express something contemptible.

II. 32. The second part of a Brahmin's name shall be a word implying happiness, of a Kshatriya's (a word) implying protection, of a Vaishya's a term expressive of thriving and of a Shudra's an expression denoting service."

It is obvious that these three classes are naturally allies. There is every ground for them to combine for the destruction of the Hindu Social Order. But they have not. It is not that no attempt has been made to unite them. The non-Brahmin Party which held the field between 1919-1935 was an attempt to unite them into one political organisation to destroy the dominance of the Brahmins who are the architects of the Hindu Social Order and being the chief beneficiaries of it are its strongest supporters.

This was not the only attempt to bring about solidarity among the three classes. Another attempt is being made by the labour leaders particularly the Communists. They preached that there is an identity of interest of the working class, no matter to what community they belong. There must be developed in them class consciousness and class unity. Once united they could employ the terrifying power of their numbers to break down the economic order and once the economic order falls to the ground the social order of the Hindus is bound to go to pieces. What has been the result? The result is that the solidarity has failed to come. The Shudras and the Criminal and Primitive Tribes are more hostile to the Untouchables than they are to the Brahmins. Indeed it is the Shudras who act as the police force of the Brahmins for repelling the attack of the Untouchables on the Hindu social order. This is a strange phenomenon. But it is a fact. The atrocities that are committed upon the Untouchables, if they commit any breach of the rules and regulations of the established order and of which description has been given in earlier chapters are all the doings of the Shudras.

The reasons for this want of solidarity is not far to seek. It is to be found in the system of graded inequality whereby the Brahmin is above everybody, the Shudra is below the Brahmin and above the Untouchable. If the Hindu social order was based on inequality, it would have been over-thrown long ago. But it is based on graded inequality so that the Shudra while he is anxious to pull down the Brahmin, he is not prepared to see the Untouchable raised to his level. He prefers to suffer the indignities heaped upon him by the Brahmins to join the Untouchables for a general levelling down of the social order. The result is that, there is nobody to join the Untouchable in his struggle. He is completely isolated. Not only is he isolated he is opposed by the very classes who ought to be his natural allies. This isolation is one more obstacle in the removal of untouchability.

1 APPENDICES TO BOOK I

APPENDIX *

MATTERS MADE WORSE BY UNTOUCHABILITY

A correspondent from Jaipur reports the following incident which occurred in June 1953:

"Jaipur, June 25: The guinea worm, called *nahru* or *bala* by people here, is a disease prevalent in the State which keeps the patient suffering for months, sometimes for a year or two. Many lose the use of a limb as a result of this disease. The disease spreads through the medium of drinking water. The only preventive steps doctors advice is that water should be drunk after boiling and filtering.

The disease frequently occurs as the rains set in, which is also the time for sowing with the result that at a time when he should be preparing to earn his living a villager is confined to bed.

On investigation in the village of Kopra near Banswara it was found that in 57 families there were 125 sufferers from guinea worm. There were six members in a Harijan family, five of whom had guinea worm. They had only a few bits of dry meat to eat.

Often the trouble is thrust on these people by society. A pond from which Harijans drink water was so dirty that it must have been a nursery for the guinea worm. When showed to the Collector of Banswara he was shocked and ordered the pond closed immediately.

Nearby, was a pucca well from which water could be taken by entering into it. Hindu were entreated to permit Harijans, to take water from this well but they would not agree. The Collector asked them if they would drink the water from the pond, if told to. They admitted that the water was unfit for human use, yet they would not allow Harijans use of the pucca well.

Conditions are bad and Harijans are the worst sufferers. The law has made untouchability a crime. The Harijan Sevak Sangh has long been working for its oblation, but it cannot be said that the hearts and minds of caste Hindus in the countryside have undergone a change. The State Governments have not been able to do much in this connection.

APPENDIX II

From 'Sunday Times', March 9, 1952

WHERE WEARING A SHIRT IS AN OFFENCE

Woes of Harijans in S. India A Social Worker's Experience

(By Swami Anand Thirth, Regional Officer, All India Harijan Sevak Sangh)

It is sad to notice that the various civil disabilities of Harijans still continue to exist in our villages in spite of the Civil Disabilities Removal Act which came into force about five years ago. It is now 9 months since the All India Harijan Sevak Sangh started its intensive work for the removal of social disabilities of Harijans in Melur Taluk in Mathurai district. Several disabilities of Harijans regarding tea shops, barber saloons, wells, tanks, chavadies, etc., have been brought to light during this period. In some places it is the Village Munsifs who were expected to give wide publicity to the Act and enforce it, that are very reactionary forces standing in the way of the poor Harijans exercising their elementary rights. A few instances are cited below to show how deep-rooted is the prejudice against the Harijans in our society.

In Parli near Natham, a Harijan youth who refused to take tea in a coconut shell and desired to be served in the glass tumbler was kicked and shoed on the head by a caste Hindu who was subsequently convicted and fined only Rs. 10 by the Sub-Magistrate, Melur. At Melavalvoo, when I went to a tea shop with two Harijan boys, a group of people threatened to assault me and drove away the boys. A glass tumbler was wantonly broken by the tea shopkeeper and they all demanded that I must pay for it on penalty of being thrashed. I, however, took shelter in an Elementary School nearby and the crowd disappeared only on the intervention of the President of the Panchayat Board.

At Kelavalvoo, the Harijans take water from a dirty pond in which men bathe and cattle are washed. The Harijans were encouraged to go to the public Oorani (protected water tank), but they were abused and threatened by the caste Hindus so that they dare not take water from the Oorani. There is a Police Station at Kelavalvoo, but the police here are indifferent towards the disabilities of the Harijans. In Attukulam the caste Hindus put night-soil in the public well because they could not physically obstruct the Harijans who took water from it under our directions. In Ettimangalam, the caste Hindus destroyed the paddy seedlings raised by some Harijans in Government poromboke and because the Harijans had got into the chavadi during a public meeting held in the village. No action was taken by the police on the complaint given by the poor Harijans.

In Tiruvadur when we directed Harijans to take water from the Oorani, a caste Hindu youth assaulted a pregnant Harijan woman and broke her pot as well. The caste Hindu was charged by the police and convicted by the Sub-Magistrate to pay a fine of only Rs. 15 and thereafter the Harijans are freely taking water from this Oorani. In Kottagudi, a village barber, who refused hair-cut to a Harijan boy was charged by the police and convicted by the Sub-Magistrate. But thereafter, the Harijans were summoned by the caste Hindus to the chavadi and warned that in case they sought the service of this barber, a collective fine would be imposed on them.

In Kidaripatti, the Harijans are not allowed to take the corpse through the public foot path and they are also not permitted to ride on cycle through the village streets. A case regarding the alleged obstruction of a Harijan from riding on cycle is pending trial in the Sub-Magistrate's Court, Melur. In Nundikovilpatti, only three furlongs from the Taluk Office, Melur, the Harijans were taking drinking water from a dirty channel because they had no access to the Oorani. Two complaints were given to the police regarding this and now the caste Hindus dare not obstruct the Harijans. In Thekkitheru, when the Harijans sat on the Manthai chavadi during a public meeting held at the chavadi, pebbles were thrown at them till they quitted the place out of fear.

In Navinipatti about two miles from Melur, the village Munsif himself is alleged to have taken objection to the Harijans wearing decent dress on Pongal festival day and made two Harijan youths to remove their shirts and upper cloth. The youths were made to do Kumbidal (full prostration on the ground) and go away in loin-cloth only.

The most painful oppression has been in Mankulam, about ten miles from Mathurai city, where the village Munsif took a hostile attitude. Two Harijan youths went to tea shop and as they were denied admission, they complained to the police. For this, one of them was tied to a pillar and mercilessly beaten by a caste Hindu boy under instructions from the elders. Another Harijan was assaulted with a knife by a servant of the village Munsif. The Harijans were socially boycotted and denied labour because they took water from the public Oorani. The shopkeepers refused to sell provisions to them and they were put to starvation for two days. The situation improved only after the intervention of the Revenue Divisional Officer. Recently, two Harijans and myself were brutally attacked by a band of caste Hindus and beaten with firewood cudgels for having bathed in the tank and gone into a coffee club in front of the chavadi. We were admitted and treated in the Government Hospital in Mathurai. I sustained a fracture in the right foot due to which I cannot use the right leg and walk. Sixteen persons including the village Munsif have been charged by the police for rioting. Some Congressmen are, however, trying for a compromise because some of their relations are involved in this. These friends are also known to have approached the authorities in this connection. Mahatmaji had desired us to consider the Harijans as blood brothers, but alas ! blood is thicker than water.

One feels so dejected and disheartened at the attitude of the caste Hindus towards the Harijans in spite of the great sacrifices of Mahatmaji, who won Swaraj for us and desired us to concede freedom to these down-trodden people as well. The Revenue and police authorities can do a lot to remove the disabilities of the Harijans. Mahatmaji's son Manilal is offering satyagraha in South Africa for the civil disabilities of Indians. But we are denying similar

liberties to the Harijans whom Mahatmaji owned as his kith and kin. Let the caste Hindus and Congressmen who adore Mahatmaji remember that his spirit will not rest in peace till the curse of untouchability is wiped out, root and branch, from the nook and corner of our land. The Government must realise the deed for greater efforts to remove this bane from our society.

APPENDIX III

LYNCH LAW AGAINST HARIJANS

(Painful and shameful atrocities in Thumbapatti)
Stop the Chavadi Courts in our Villages

The Chavadi Courts:

It is a well known fact that though the Harijans are denied entry in the public chavadies in the villages in Tamilnad, they are tried by the caste Hindus at these chavadies and victimised to such an extent that they always live in fear of the caste Hindus. One of the reasons why the Harijans in the villages do not respond to our movement of the removal of their civil disabilities is their constant fear of this victimisation by the caste Hindus under the leadership of the village Periambalagar, the chief of the caste Hindus. In several places, the villagers run these chavadi courts under the colour of holding Panchayats. The poor Harijans are summoned to the chavadi and tried like slaves. If any of them go against the order of the Periambalagar then the Lynch Law is put into operations and they are subjected to merciless beating and torture with a view to strike terror in them and to demonstrate the absolute power of the Periambalagar. The victimisation of the Harijans at the chavadi takes place in various forms according to the circumstances and the whims of the Periambalagar and his council—public whipping, imposition of heavy fines and confiscation of their properties on failure to pay the same, foisting of false cases, economic boycott by denying labour and with holding wages, social ostracism by prohibiting their taking part in social functions and religious ceremonies, denial of water by preventing access to tanks and wells, denial of foodstuffs by banning sale of articles to them in the village-shops etc. etc. The liberation of the Harijans is possible only if the Government takes strong measure against the villagers for holding these illegal and unlawful courts in the name of the village panchayat. No civilised Government can tolerate the persecution of a backward and minority community by the villages in the various manners mentioned above.

Atrocities in Thumbapatti:

The following account of the trial of Harijans at Thumbapatti on 1st August 1953 would make any heart bleed. This village is 22 miles from Madurai and it is the native place of Shri P. Kakkan, M. P., one of the prominent Harijan Leaders of Tamilnad. It is learnt that all the adults in the Harijan cherri were summoned to the mandai (common place) in front of the chavadi. The caste Hindus did obeisance to the Periambalagar and his council, in the usual manner, by doing full prostration, their belly touching the ground to pick up the dust. About a dozen Harijan youths were then picked out for trial on the charge they were suspected of the various petty thefts occurring in the village. It is however learnt that youths who were a bit assertive and not usually submissive to the caste Hindus had been singled out for punishment. They were given blows with sticks and were asked to admit having committed the thefts. The other Harijans were questioned and under fear of victimisation they are said to have thrown all the thefts on the accused. Judgement was passed that the youths were guilty and some of them were handcuffed for being duly punished. It is learnt that one of them however remonstrated and tried to escape on some plea. This disrespect to the chavadi court was immediately resented by the villagers and it is learnt that the Periambalagar promulgated the chavadi ordinance that the Harijan youths be severely dealt with. The Lynch law was put into operation and a most merciless attack was made on the Harijan youths. All those who had some grudge or prejudice against the Harijans got the opportunity to wreak vengeance on them with impunity. The Harijan youth who had tried to escape was dragged by his legs over the rough and stony ground. The others were beaten with sticks and tied to the trees and again beaten so mercilessly till their bones were almost broken. There they were made to stand, tied to the trees for about eight hours, as the pitiable objects of public scorn. The Harijans in general appear to have been warned that they should not co-operate with the Harijan workers.

False Case Foisted:

What the villagers did thereafter is still more shameful. It is the usual practice to foist cases on the Harijans and to get the police to take immediate action. When it was discovered that the Harijans had sustained serious injuries, the villagers realised that they would get into trouble. It is learnt that Shri Poosari Kakkan, the Eighty-years old father of Shri P. Kakkan, M.P., who is working as the village Thotti, was therefore asked to give a false complaint that some articles in the Harijan temple were found missing since the previous evening and a report was sent to the Police by the village Munsif, that these articles were recovered from the Harijan youths. Shri Poosari Kakkan, and his relation, another village Thotti named Etti Kakkan, are said to have brought these articles and given to the

village Munsif. Immediately on receipt of the report the Police came, arrested the Harijan youths on a charge of theft and sent them to the Hospital as they were found wounded. We do not propose to publicly criticise the action of the Police. Enough to say, the atrocities on the Harijans by the villagers, did not catch the official eye of the Police!

The Truth Known:

The villagers were good enough to send a mass petition supporting their action to Shri A. Vaidyanatha Iyer, President, Tamilnad Harijan Sevak Sangh. It was forwarded to me for enquiry and report. A small committee consisting of the President of Melur Taluk Congress Committee, the Secretary of Melur Taluk Harijan Sevak Sangh, the Secretary of the Seva Samaj, Melur and myself accordingly enquired into the matter and found that the villagers had made a merciless attack on the Harijan youths and kept them tied to the trees for about eight hours till the arrival of the Police. The complaint given by Shri Poosari Kakkan and the Periambalagar were examined by Shri Vaidyanath Iyer and they admitted to him that the complaint given to the Police was a false and concocted one. The Periambalagar also expressed regret for the wrongs done to the Harijans. Meanwhile the police also investigated into the complaint given by Shri Poosari Kakkan and referred the case as ' undetectable '. No case was however taken against the villagers. It appears the bones of the Harijans youths had not actually broken. The marks of beatings with sticks and of the rope-tie were visible on their bodies for several days. Two of them were kept at the hospital for two days and their legs were X-rayed to make sure if their bones were broken. They were sent out with plaster bandages on their legs. They were not able to walk properly for a fortnight.

Two enquiries conducted:

An enquiry was conducted by the Dy. Welfare Officer, Madurai under orders from the Dy. Collector and another enquiry was recently conducted by the Revenue Divisional Officer, Madurai under orders from the Government. The result is yet to be known.

Civil Disabilities in Thumbapatti:

There was terrible opposition from the villagers of Thumbapatti when the Harijans took water from the public Oorani in 1948. Till then the Harijans were taking water from a dirty pond where cattle are washed and men bathe. Some Harijan youths were severely beaten and an attempt was made to set fire to Harijan houses. The village Munsif and others are said to have been warned by the authorities in this connection. One case, where a Harijan was denied coffee in the glass tumbler in a teashop in Thumbapatti, was reported to the Police on

19th August 1953 and the tea shopkeeper was convicted and sentenced to pay a fine of Rs. 10 by the Sub-Magistrate. The village barber declares that he is willing to serve Harijans. Yet the Harijans do not go to him probably because of the secret warning given to them by the caste Hindus. Some Harijans had gone to the barber on 1st July 1953 and there is reason to believe that the trial of the Harijan youths on 1st August 1953 was an arrangement made to strike terror in the Harijans.

Our general experience:

It is our general experience that when the Harijans make bold to assert their elementary rights, the villagers summon them to the chavadi and persecute them in one form or other. Such happenings took place in Mangulam, Kuruvankulam, Adanoor, Pathiattamgudi and Karugakottai. The higher officials of the Police were good enough to visit these places. In some places, the Harijans were summoned to the chavadi and warned as at Kottagudi, Kidaripatti and Pullipatti. The subordinate Police officials usually support the caste Hindus and thus the latter get the freedom to apply their Lynch law and bring the Harijans to a sense of their social servility.

Can we tolerate this:

The question before us is whether we can tolerate this kind of public lynching and humiliation of the Harijans in these days when we had revolted against the atrocities of the Dyers at Jallianwalla bagh. In Jallianwalla, the atrocities were committed by foreign bureaucrats on men and women who had assembled in a gathering. Here similar atrocities were committed by our villagers on a few Harijan youths who were tried at the chavadi with a view to strike terror in the Harijans in general.

What the Government must do:

Village Panchayats consisting of elected members including Harijans, have been formed by the Government in the villages. One wonders why the caste Hindus should be allowed to run their chavadi courts in parallel to these Government recognised Panchayats. These chavadi courts are a menace to the social, economic and political progress of the poor backward class communities in the villages. There can be no salvation or freedom to the Harijans in the villages unless these chavadi courts are banned by the Government. All our efforts for the removal of the civil disabilities of Harijans will go in vain till the chavadi courts are prohibited from dealing with the Harijans. Before spending 3 lakhs of rupees for the eradication of untouchability, the Government must take necessary measures to stop the victimisation of the Harijans at the chavadi and

enable them to raise their heads as human beings. Untouchability in public places has become a thing of the past in Kerala because of the non-existence of these chavadi courts in that part of the country.

An Appeal:

It was Mahatma Gandhi who made us realise the great injustice we do to poor Harijans in the villages by treating them as low castes and slaves. But for him the Harijans in the various parts of the country would have gone out of the Hindu fold because of the unbearable sufferings under the caste Hindus. It is now 21 years since Mahatma Gandhi observed the Epic Fast at Poona to create public opinion in favour of the Harijans. No doubt there has been a great awakening during the last decades and there is now general sympathy towards the Harijan movement. The Government is pledged to the removal of all the social and civil disabilities of Harijans and it is giving full co-operation to all peaceful and legitimate efforts to improve the status of the Harijans. But we have to admit that there is still, lot of prejudice towards the Harijans in the villages. We appeal to all public workers to bring about a change of heart of the caste Hindus in the villages so that the Harijans are no longer treated as a separate Untouchable class. We appeal to all leaders to work for the eradication of untouchability and to see that the Harijans are treated as part and parcel of the Hindu society.

Southern Range,
Head Office: Melur.

Swami Anand Tirth, M.A., Regional Officer,
All India Harijan Sevak Sangh.

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